

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL ONE, NATIONAL ASSOCIATION,  
Plaintiff,

-against-

201 W 134 ST LLC, GERALD MIGDOL a/k/a JERRY  
MIGDOL, and "JOHN AND/OR JANE DOE #1" to  
"JOHN AND/OR JANE DOE # 5" inclusive, the last five  
named persons being unknown to plaintiff, the persons and  
parties intended being the tenants, occupants, persons,  
entities, or corporations, if any, having or claiming upon  
the premises at 201 West 134<sup>th</sup> Street a/k/a 2280 Adam  
Clayton Powell Jr. Boulevard, New York New York, a  
four-story, single-dwelling building, as more fully  
described in the complaint,

Defendants.  
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**NOTICE OF VOLUNTARY  
DISMISSAL PURSUANT TO  
F.R.C.P. 41(a)(1)(A)(i)**

Civil Action No.: 12-cv-5025  
(JMF)

ECF Case

Plaintiff CAPITAL ONE, NATIONAL ASSOCIATION, hereby gives notice that,  
pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the above-captioned  
matter is voluntarily dismissed with prejudice against the defendants.

Dated: New York, New York  
November 29, 2012

Respectfully submitted,

/s/ Thomas P. Battistoni

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